

# Mobility: immigration alert

February 2020



## United Kingdom

### Home Secretary publishes plan for future immigration system

#### Executive summary

On 19 February 2020, the UK government set out the details of the [UK's points-based immigration system](#) which will significantly change the UK's immigration landscape for employers. These new arrangements will take effect from 1 January 2021, once freedom of movement with the European Union (EU) has ended. It will treat EU and non-EU citizens equally, but Irish citizens will continue to be able to enter and live in the UK as they do now.

#### Background

On 28 January 2020, the [Migration Advisory Committee's \(MAC\) report](#) recommended a marginal reduction in minimum salary thresholds in Tier 2 (Skilled Workers) and, whilst not in favour of an Australian style points based system, MAC suggested a limited points-based route for the very highly skilled, and the potential pilot of a regional visas route. The government responded on the same day, to say that they were committed to delivering a new points-based system for the UK. They have now announced their formal immigration policy for when the transition period ends.

#### Summary of Tier 2 points-based approach

In line with the Migration Advisory Committee (MAC) report issued in January, there will be a new points-based approach to Tier 2 (Skilled Work). Skilled workers will need to meet a number of relevant criteria, including specific skills and the ability to speak English, to be able to work in the UK. All applicants will be required to have a job offer and, in line with the [MAC recommendations](#), the minimum salary threshold will be set at £25,600 however applicants could be able to trade characteristics against a lower salary.

- ▶ Points required: 70 points will be required, and these can be gained over a series of categories
- ▶ There will be a mixture of mandatory and tradeable characteristics
- ▶ Mandatory characteristics: job offer from approved sponsor + job at appropriate level + English (50 points required)
- ▶ Tradeable characteristics: qualifications + salary + sector shortage (60 points available)



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## New points table

| Points Table   | Points | Mandatory |
|--|--------|-----------|
| Job offer from an approved sponsor                     | 20     | Yes       |
| Job at appropriate skill level                         | 20     | Yes       |
| English at required level                              | 10     | Yes       |
| Salary: £20,480 (minimum level for category) - £23,039 | 0      | No        |
| Salary: £23,040 - £25,999                              | 10     | No        |
| Salary: £25,600 +                                      | 20     | No        |
| Job in a shortage occupation (as designated by MAC)    | 20     | No        |
| Education: PhD in subject relevant to the job          | 10     | No        |
| Education: PhD in STEM subject relevant to the job     | 20     | No        |

The government's announcement confirms a number of reforms that have previously been promised which include:

- ▶ Removal of the annual limit or 'cap' of 20,700 Tier 2 General visas a year
- ▶ Removal of the Resident Labour Market Test requirement
- ▶ Expansion of skill levels to cover a range of roles, including IT technicians, marketing associate professionals and office managers
- ▶ Graduate Route for students to allow them to apply for 2 year stay after studies
- ▶ The MAC to play an ongoing role determining skills shortage roles

However, there is one proposed reform that appears to have been ruled out which is that there will be no transitional route to run until 2025, as envisaged in the December 2018 White Paper.

One statement contradicts earlier announcements around flexibility for Tier 2 applicants to switch from visitor status within the UK rather than needing to return home to submit the application. Based on the recent announcement those who come to the UK as a visitor will need to leave the country before making an application to be in the UK for other purposes. Furthermore, there are two areas covered in the December White Paper that remain uncertain and require clarification:

- ▶ An extension of the Tier 5 Youth Mobility Scheme to the EU (the UK has said this would be subject to reciprocity)
- ▶ More favorable rules for trade partner nationals through mobility frameworks within free trade agreements. The Government has said that the future system will also deliver on so called 'Mode 4' commitments for temporary service suppliers, in line with existing and future trade agreements.

### **Additional routes not requiring employer sponsorship**

The Government also very recently announced the introduction of a "Global Talent Visa" to replace the Tier 1 Exceptional Talent route from 20 February 2020, removing the cap on numbers and expanding on the scheme it replaces by adding an additional body which can endorse applicants - UK Research and Innovation. From January 2021, the UK will extend the current Global Talent route to EU citizens on the same basis as non-EU citizens. The most highly skilled workers will be able to enter the UK without a job offer if they are endorsed by a relevant and competent body. This scheme has recently been expanded to be more accessible to those with a background in STEM subjects who wish to come to the UK (this was announced on 27 January 2020).

The Government has also confirmed that it will consider a broader unsponsored route (less restrictive than the current Global Talent route), but this will take time to implement. The government will explore whether this system will also be points based with the following features:

- ▶ It would run alongside the employer-led immigration system
- ▶ It would allow a smaller number of the most highly-skilled workers to come to the UK without an offer of employment
- ▶ The starting point is that this route would be capped and would be carefully monitored during the implementation phase
- ▶ Example characteristics for which points could be awarded include academic qualifications

The government intends to open key routes from Autumn 2020, so that applicants can start to apply ahead of the system taking effect in January 2021. age and relevant work experience.

#### Other announcements made

- ▶ The Immigration Skills Surcharge and the Immigration Health Surcharge will be levied on the same basis as now
- ▶ There will be no variations in the rules applicable to different regions of the UK
- ▶ The seasonal workers pilot for the agricultural sector will be expanded from 2,500 to 10,000 places in time for this year's harvest
- ▶ Student visas will also be brought within this system
- ▶ The use of national ID cards for travel to the UK will be phased out
- ▶ A single, consistent and more rigorous approach to criminality across the immigration system will be introduced
- ▶ There will be streamlining of applications through digitization

#### Next steps

Employers who relocate employers to work in the U.K. should await further news on the development of this important policy but communicate the proposed changes and expected impact on their business to key stakeholders in their organization.

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